

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FREDERICK J. KEITEL, III,

Plaintiffs,

-v-

THOMAS B. D'AGOSTINO, SR.,

Defendants.

21-CV-8537 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


On May 29, 2025, the Court received the attached submission, dated March 13, 2025, from Plaintiff Frederick J. Keitel, III, who is proceeding *pro se* in this case. The Court has already previously admonished Plaintiff to follow the instructions in the Court's Individual Rules and Practices in Civil *Pro Se* Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>) when filing any *pro se* submissions. *See* ECF No. 172. A *pro se* party may file papers with the Court in a few ways, including by mailing or delivering them to the Pro Se Intake Unit or by emailing them as an attachment in PDF format to [Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Pro_Se_Filing@nysd.uscourts.gov). Plaintiff's failure to abide by these rules has caused significant delays in the Court's receipt of his submission.

The Court will consider Plaintiff's improper submission, but Plaintiff's "request for an additional two weeks' time to outline [his] allegations of fraud" is DENIED. Moreover, in light of the delay caused by Plaintiff's failure to abide by the Court's rules, the Court will grant Defendant FJK-TEE JAY, LTD. an opportunity to file any reply to Plaintiff's submission no later than **June 13, 2025**. At that time, Defendant FJK-TEE JAY, LTD.'s motion for an order to show cause or for entry of judgment will be treated as fully submitted. *See* ECF Nos. 191, 193.

The Clerk of Court is directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

Dated: May 30, 2025  
New York, New York

  
JESSE M. FURMAN  
United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK CASE**

**NO. 1:21-cv-08537-JMF**

FREDERICK J. KEITEL, III

Plaintiffs,

vs.

THOMAS B. D'AGOSTINO, SR., et al.,

Defendants.

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**FREDERICK J. KEITEL, III, SWORN AFFIDAVIT AND RESPONSE TO  
COURT'S ORDER ECF 193**

COMES NOW, Appellant/Plaintiff, Frederick J. Keitel, III, ("Keitel"), pro se, and respectfully files Affidavit and Response to Order ECF 193 and states for the following reasons:

STATE OF FLORIDA

COUNTY OF SUMTER

BEFORE ME, the undersigned authority, this day, personally appeared, Frederick J. Ketel, Ill, to be known to be the person herein, or who produced passport as identification and who, after being duly sworn, deposes and states the following.

My name is Frederick J. Keitel, III, I am over the age of 21 years, competent to make this sworn statement and I have personal knowledge of all the facts and opinions contained in herein.

On April 27, 2025, Appellant filed a response to Court's Order ECF 184, outlining reasons Appellant Keitel was unable to pay and/or comply with the Court's order.

I only recently saw the Court's Order, ECF 193, and I wasn't able to properly response to FJK Tee Jay, Ltd' motion due to health issues.

I have terminal non-treatable lung cancer and I'm under the care of Moffitt Cancer Center, Tampa, Florida and Hospices doctors in Marion County Florida.

My only income is social security in. the amount of \$1,863.00 per month, which doesn't cover my expenses due to the new pain management drugs.

I want to be able to respond to the fraud by Eric Christo who threatened my banker/lenders and interfered with me collecting the following payments due to fraud.

On April 27, 2025, I filed an affidavit with the Court stating the following money withheld from me personally and as 100% owner of FJK IV Properties, Inc, [a

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I want to be able to respond to the fraud by Eric Christo who threatened my banker/lenders and interfered with me collecting the following payments due to fraud.

On April 27, 2025, I filed an affidavit with the Court stating the following money withheld from me personally and as 100% owner of FJK IV Properties, Inc, [a

50% owner of FJK Tee Jay, Ltd] and I attached the sworn affidavit of Fred Latsko and a banker certified check for \$2,325,000.00 tender and rejected by Shutts and Christu [previously escrow agents appointed by both state circuit court and U.S. Bankruptcy Court.

**ANNUAL RENTAL PAYMENTS FROM FIRST REPUBLIC BANK  
TO FJK-TEE JAY, LTD**

June 2014-June 2015 \$963,291.46 escrow via Court Order

**Annual Rents**

2016	\$570,495.87
2017	\$581,905.79
2018	\$593,543.00
2019	\$605,414.79
2020	\$617,523.09. (see 2020 1099 \$612,477.97)
2021	\$209,957.84 (Jan-April 2021 rental payments)
Sub-Total	\$4,142,132.00 triple net, rental payment to LTD

plus \$1,200,000.00 by RLLP, JD, JR, SR in 2001

+ \$1,230,000.00 [plus add'l interest from March 15, 2005]

**Total \$6,572,132.00.**

“The interest on \$1,230,000.00 misappropriated (stolen by D’Agostino’s) x’s 6% x’s 20 years (3-15-20050) = \$4,093,279.25

The interest on \$1,20,000.00 misappropriated (stolen by D’Agostino’s Co’s) x’s 6% x’s 20 years 2001. = \$5,810,830.35

An additional **\$9,904,109.60** misappropriated (stolen) from plaintiff Keitel and his companies by all Defendants named herein this case.

JD, JR, LTD, INC, Christu, Shutts and their lawyers acted with each other and others to conspire to defraud myself and FJK IV out of our share of over

\$4,493,569.53 of profits/rent collected since May 2014, and one-half the equity in LTD, which was valued at minimum of \$12,200,000.00 in 2015 and \$20 million in 2021.

I tendered full payment to Shutts lawyers as agents of INC, LTD, RLLP and GP, who refused to accept the money and/or redemption in May 2021.

I finally tendered a cashier's check to the Palm beach County Sheriffs' Department after defendants Shutts and Christu refused to accept full payment in May 2021.

I was an 50% owner of INC and LTD stock and was entitled to 50% of all money tendered to judgments, liens, costs and expenses.

JD, JR, LTD, INC, Shutts and Christu's have/had complete control of all financials, distributions, tax returns and refuse to give FJK IV and/or Keitel all the financials, check register and tax returns to prove their fraud, and that FJK IV and Keitel's right to distribution would be over \$3,000,000.00

Defendants Christu and Shutts conspired with and advised other defendants JD, JR, LTD, INC and RLLP to refused to file tax returns for 2012, 2013, 2014, 2015, 2016, 2017, 2018 2019 and 2020.

Defendants conspired to deny me and FJK IV from credits, set offs and/or distributions from 2014 until the sale May 4, 2021 despite Keitel bidding \$2,300,000.00 and submitting full payment of \$2,325,000.00 to both FJK Tee Jay, Ltd and FJK Tee Jay, Inc and its law firm Shutts & Bowen, LLP.

Defendants Shutts, Christo, Hart, Glick and Menor charged hundreds of thousands of dollars while acting as my and FJK IV's escrow agent breaching their fiduciary duty.

Defendants intentionally refused to give Keitel and FJK IV financial documents, and tax return from 2012 -2020, and all checks proving that defendants stole money, and used illegally paid Shutts inflated legal fees.

Shutts was the escrow agent for FJK IV, and Shutts lawyer threatened and extorted Keitel/FJK IV's banker/lender Fred Latsko ("Latsko"), from paying off all judgments, liens and legal fees so Keitel could redeem FJK IV stock on October 17, 2018.

Chrtistu, a partner in Shutts escrow agent had a conflict of interest when he threatened Fred Latsko, in a federal courthouse in West Palm Beach, Florida, after Latsko flew to West Palm beach with certified funds on behalf of Keitel/FJK IV minutes before Latsko was to testify and present the checks in court”.

I will amend my response, but want to address the unfortunate prejudice to Spencer Robbins, caused by my inadvertently attaching Mr. Robbins name to ame3nd complaint and motion(s) the subject of the fines.

I unfortunately used an independent paralegal that used Mr. Robbins e-filing system that cause Mr. Robbins' name to be included in my responses filed with the Court.

Mr. Robbins played no part in the mistake and is being punished for my mistake, due to the Court's animosity towards me, the subject of the Court's contempt motion, and my allegations regarding the Court's integrity in this case.

I can assure the Court that had Mr. Robbins seen my response, he would have immediately notified the Court and moved to strike the response.

While I under the Court's rationale against Mr. Robbins, I don't under the Court's refusal to refer the fraudulent affidavits drafted and filed by Shutts lawyers, specifically after Jonathan D'Agostino's sworn testimony that Tee Jay of Florida RLLP never owned and could not of owned any stock in FJK Tee Jay, INC.



I request an additional two weeks' time to outline my allegations of fraud as the reason for inability to pay the fines and court ordered fees especially since Mr. Latsko's affidavit details Shutts, Christo actions as escrow agents conspiring with Richard Webber as Court appointed Trustee.

Due to a problem with e-filing, I'm filing this affidavit and response via U.S. Mail.

WHEREFORE, having shown good cause for Plaintiff's reasons for being unable to pay the fines, request for additional time for file a detailed explanation due to health reasons, and terminal non-treatable lung cancer, I request if the Court decides to take additional actions, the Court appoint counsel for Plaintiff Keitel and for any other relief deemed appropriate.

F J Keitel

FREDERICK J. KEITEL, III

STATE OF FLORIDA

COUNTY OF SUMTER

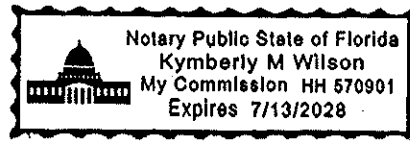
Before me, the undersigned authority, personally appeared Frederick J. Keitel, III, who produced a passport as identification and who being duly sworn deposes and says that the Affidavit hereto is true and correct to the best of my knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me this 13 day of May 2025.

Kymberly M Wilson

NOTARY PUBLIC, State of Florida

At Large



Kymberly Knight

Print Name

HH 570901

Commission No.

My Commission expires:

Submitted this 13<sup>th</sup> day of May 2024.

/s/Frederick J. Keitel, III

Frederick J. Keitel, III, pro se  
P.O. Box 3243  
Palm Beach, FL 33480  
Ph: (561) 310-6864  
Email: rickkeitel@aol.com

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 13<sup>th</sup>, 2025, the foregoing documents are a true and correct copy filed via first class U.S. Mail Clerk of Court, US District Court, Southern District, New York, 40 Foley Street, New York, NY 10007 and to all parties on the Service List via transmission of a notice of electronic filing generated by CM/ECF or through other approved means.

/s/Frederick J. Keitel, III

Frederick J. Keitel, III, pro se